

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

_____	)	
CONSERVATION LAW FOUNDATION, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO. 05-10487-NG
v.	)	
	)	
MITT ROMNEY, in his Official Capacity as	)	
GOVERNOR OF MASSACHUSETTS, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

**JOINT MOTION TO STAY LITIGATION**

All parties move to stay all further proceedings and deadlines, including all pending discovery, in this case to allow adequate time for implementation of the conditions of a Settlement Agreement executed on November 28, 2006. As grounds for their Joint Motion, the parties state:

1. Since the Court's March 20, 2006 Memorandum and Order Re Motion to Dismiss, extensive negotiations have occurred regarding an out-of-court settlement of this matter. These negotiations recently bore fruit, with the plaintiff, the named defendants, the Massachusetts Executive Office of Administration and Finance, and the Executive Office of Environmental Affairs executing a Settlement Agreement on November 28, 2006. The Settlement Agreement specifies that it "is an out-of-court nonjudicial contract among the contracting parties" and that it "shall neither constitute nor be construed as a consent order, consent decree, or other order of that Court."

2. A central component of the Settlement Agreement is the contemplated adoption

of certain regulations (a) by the Massachusetts Department of Environmental Protection (“MassDEP”) as revisions to the Commonwealth’s Air Pollution Control Regulations (“State Regulations”) and (b) by the United States Environmental Protection Agency (“EPA”) as revisions to the Massachusetts State Implementation Plan under the Clean Air Act (“SIP”). EPA is not a party to either this case or the Settlement Agreement, and it enjoys independent regulatory discretion as to whether to approve proposed changes to the SIP. EPA’s approval process will necessarily take some time.

3. When EPA has revised the SIP by adopting the State Regulation, or a revised regulation resulting from the public process to which the parties agree, the parties will file a Joint Stipulation of Dismissal.

For the foregoing reasons, the parties respectfully request that the Court allow their Joint Motion to Stay Litigation pending the parties filing a Joint Stipulation of Dismissal or future order of the Court.

For the Plaintiff,

/s/ Carrie Russell

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Dated: November 30, 2006

For the Massachusetts Turnpike Defendants,

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